

TO: Clerk's Office
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL

UNITED STATES OF AMERICA

1265

-v.-

22-MJ-1236X

ZHEN DONG

Docket Number

SUBMITTED BY: Plaintiff Defendant DOJ ☒

Name: Nina Gupta

Firm Name:USAO-EDNY

Address: 271A Cadman Plaza East

Brooklyn, NY 11201

Phone Number: 718-254-6257

E-Mail Address:nina.gupta@usdoj.gov

INDICATE UPON THE PUBLIC DOCKET SHEET: YES NO ☒

If yes, state description of document to be entered on docket sheet:



A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____

Judge/Magistrate Judge: _____

Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

Ongoing criminal investigation; defendant at liberty

ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.

DATED: Brooklyn, NEW YORK

11/28/2022 /s/ Roanne L. Mann

U.S. DISTRICT JUDGE

RECEIVED IN CLERK'S OFFICE _____ DATE

MANDATORY CERTIFICATION OF SERVICE:

A.) A copy of this application either has been or will be promptly served upon all parties to this action, B.) Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: _____; or C.) ☒ This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

11/28/2022

DATE

Nina C. Gupta

SIGNATURE

SK:NCG
F. #2022R00540

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

ZHEN DONG,

Defendant.

----- X

EASTERN DISTRICT OF NEW YORK, SS:

JARED ROTHSCHILD, being duly sworn, deposes and states that he is a Task Force Officer with the Drug Enforcement Administration, duly appointed according to law and acting as such.

On or about and between March 15, 2022, and August 15, 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant ZHEN DONG, together with others, did knowingly, intentionally and unlawfully conspire to distribute 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)(viii).

(Title 21, United States Code, Section 846)

The source of your deponent's information and the grounds for his/her belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

To Be Filed Under Seal

AMENDED AFFIDAVIT AND
COMPLAINT IN SUPPORT
OF AN APPLICATION FOR
AN ARREST WARRANT

(21 U.S.C. § 846)

Case No. 22-MJ-~~1286~~ 1265

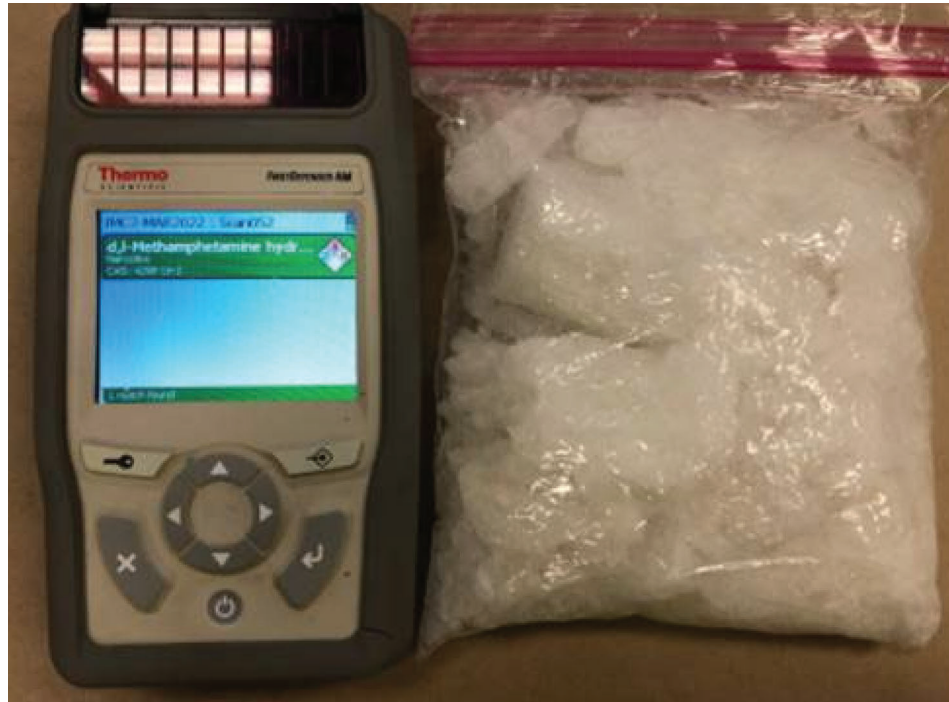
1. I am a Task Force Officer with the Drug Enforcement Administration (“DEA”) and have been involved in the investigation of numerous cases involving federal narcotics offenses, narcotics trafficking into and out of the United States and money laundering offenses. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant’s criminal history record; and from reports of other law enforcement officers involved in the investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. On or about March 29, 2022, the New Zealand Customs Service detected five parcels from United States Postal Service facilities in New York addressed to multiple addresses in New Zealand that each contained substances that tested positive for crystal methamphetamine.

3. Specifically, one package was mailed from Bayside, New York on or about March 15, 2022 to an address in New Zealand and contained two vacuum sealed bags containing 1.25 kilograms of crystal methamphetamine. The package also contained children’s transformer toys. The bags of crystal methamphetamine are pictured below:



4. A second package was mailed from Roslyn Heights, New York on or about March 20, 2022 to an address in New Zealand and contained two vacuum sealed bags containing 1 kilogram of crystal methamphetamine. The vacuum sealed bags were concealed inside two gift bags that also contained children's transformer toys. A bag of crystal methamphetamine is pictured below, next to a field test:



5. A third package was mailed from Staten Island, New York on or about March 20, 2022 to an address in New Zealand and contained two vacuum sealed bags containing 1.1 kilograms of crystal methamphetamine. The package also contained Nike shirts.

6. A fourth package was mailed from Brooklyn, New York on or about March 25, 2022 to an address in New Zealand and contained one vacuum sealed bag containing 1.04 kilograms of crystal methamphetamine. The package also contained a chair cushion.

7. A fifth package was mailed from Brooklyn, New York on or about March 28, 2022 to an address in New Zealand and contained one vacuum sealed bag containing 998 grams of crystal methamphetamine. The package also contained a Nike t-shirt and candy.

8. The United States Postal Inspection Service (“USPIS”) subsequently tracked the five parcels to the IP address that was used to generate labels to mail the packages, IP address 158.222.233.229 (“IP Address 1”). IP Address 1 is registered to 5114 7th Avenue, Brooklyn, NY, which is the address for a store in New York that offers shipping services, NYPOPO (“NYPOPO”), and to the phone number (646) 462-5776. Additionally, according to records from Con Edison, Inc., the first-floor tenant at 5114 7th Avenue, Brooklyn, NY, is called NYPOPO Inc. and is associated with the same phone number, (646) 462-5776.

9. I have reviewed subscriber information from T-Mobile for the phone number (646) 462-5776. The subscriber for the phone number is the defendant ZHEN DONG. The service and billing address for the phone number is 1523 76th Street, Brooklyn, New York 11228 (“the Residence”). Thereafter, law enforcement conducted a search of DONG in the New York City Police Department (“NYPD”) database and reviewed a photograph of DONG from a previous arrest for driving while intoxicated and for aggravated unlicensed operation of a vehicle on March 15, 2013.

10. On or about April 6, 2022, the Australian Border Force detected one parcel sent from a United States Postal Service facility in New York addressed to an address in Australia that contained crystal methamphetamine. Specifically, the package was mailed from Brooklyn, New York on or about March 30, 2022 to an address in Australia and contained two vacuum sealed bags containing 1131.6 grams of crystal methamphetamine, which were concealed inside the parcel with toys, a birthday card, and gift bags.

11. USPS subsequently tracked this parcel to the IP address that was used to generate the label to mail this package, IP address 69.115.34.32 (“IP Address 2”). IP Address 2 is registered to the Residence.

12. On or about June 14, 2022, law enforcement agents conducted surveillance outside the Residence. At approximately 12:10 pm, I observed an Asian man resembling the photograph I reviewed of DONG exit the front door of the Residence and stand on the front stoop of the Residence. At approximately 12:11 pm, I placed a test call from my department-issued cellphone to the phone number (646) 462-5776 (“the DONG Phone Number”) and observed the man look at his cell phone and answer the phone. I observed the man, who was facing in my direction, speaking into the phone, and I could hear a male voice answer, “Hello,” at the same time that the man I observed answered the phone. I then observed the man hang up the phone. A picture of this man answering his cell phone from the front stoop of the Residence appears below:



13. On or about August 18, 2022, a seventh package arrived in New Zealand from Brooklyn, New York. The package was shipped on or about August 15, 2022 from Long Island, New York. The IP address used to generate the label was IP Address 1 registered to NYPOPO and the DONG Phone Number. The package contained approximately 1.2 kilograms of crystal methamphetamine and was concealed in a parcel containing two gift boxes wrapped in ribbon, which also contained clothing.

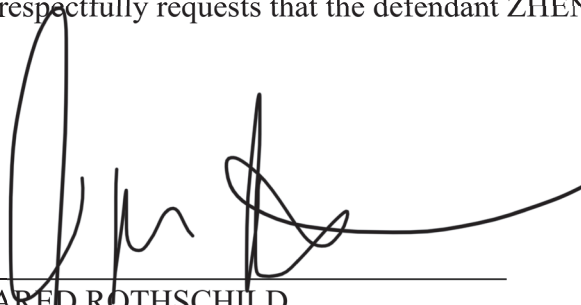
14. I have reviewed records from Apple Inc. indicating that devices associated with DONG have used both IP Address 1 and IP Address 2. Additionally, records from Apple Inc. show that DONG is associated with an iCloud account called NYPOPO@icloud.com.

15. Based on my training and experience, and my involvement with this investigation, I submit there is probable cause to believe that DONG participated in mailing the seven packages containing crystal methamphetamine to New Zealand and Australia because of the following facts: (1) IP Address 1, which was used to generate labels for the six packages that were mailed to New Zealand, is registered to the DONG Phone Number; (2) IP Address 2, which was used to generate the label for the package mailed to Australia, is registered to the Residence where I observed DONG; (3) the service and billing address for the DONG Phone Number is the Residence; (4) Apple devices associated with DONG have used both IP Address 1 and IP Address 2; and (5) DONG is associated with an iCloud account using the name NYPOPO. Moreover, the parcels were all packaged similarly, the crystal methamphetamine was packaged similarly in each parcel, and the parcels included similar items, such as children's transformer toys and clothing, indicating that the same person or persons packaged the narcotics.

16. Based on the foregoing facts, I submit there is probable cause to believe that DONG committed violations of 21 U.S.C. § 846.

I request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrant. Based on my training and experience, I have learned that criminals actively search for criminal affidavits and arrest warrants via the internet. Therefore, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving the defendant an opportunity to flee, destroy or tamper with evidence, or change patterns of behavior.

WHEREFORE, your deponent respectfully requests that the defendant ZHEN DONG, be dealt with according to law.



JARED ROTHSCHILD
Task Force Officer, Drug Enforcement
Administration

Sworn to before me this
28 day of November, 2022

/s/ Roanne L. Mann

THE HONORABLE ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK